

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD '86 OCT 20 P12:18

Before Administrative Judges:

Helen F. Hoyt, Chairperson

Emmeth A. Luebke

Jerry Harbour

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED OCT 20 1986

In the Matter of

PUBLIC SERVICE COMPANY  
OF NEW HAMPSHIRE, et al.

(Seabrook Station, Units 1 and 2)

Docket Nos. 50-443-OL  
50-444-OL

(ASLBP No. 82-471-02-OL)  
(Offsite Emergency Planning)

October 17, 1986

## ORDER

(Ruling on Town of Salisbury Motion  
To Reconsider Board Order Of  
September 11, 1986)

In an undated Motion To Reconsider Order accompanied by an Affidavit in Support of Motion to Reconsider<sup>1</sup> and transmitted to the Board by letter of September 20, 1986 of the TOS Attorney,<sup>2</sup> this town seeks relief from the Board's modified sanctions contained in its September 11, 1986 order. The basis for Salisbury's motion is contained in the accompanying affidavit which states that the Town of Salisbury has not been served with Applicants' Interrogatories, Motions To Compel, or Orders of this Board.

<sup>1</sup> Affidavit of Lester Sinton, Selectman, Town of Salisbury.

<sup>2</sup> Charles P. Graham, McKay, Murphy and Graham, Attorneys at Law, Old Post Office Square, 100 Main Street, Amesbury, Massachusetts 01913.

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PDR ADOCK 05000443  
G PDR

MS02

By Applicants' Response To The Motion To Reconsider Order of The Town of Salisbury dated October 10, 1986, Applicants state that a check of the Certificate of Service appended to the original interrogatories reveals that no representative of Salisbury was served.

The Board has examined its docket and finds that TOS petitioned on May 2, 1983 to participate in this proceeding as an interested municipality pursuant to 10 CFR 2.715(c). A copy of this request and the transmitting letter of Alfred V. Sargent, Chairman, Board of Selectmen, TOS is enclosed.

By order of this Board dated May 6, 1983, TOS was admitted as an interested municipality. A check of the Certificate of Service executed by the Office of the Secretary of the Commission does not reflect that this order was forwarded to TOS or its counsel. This Board's docket also does not reflect that TOS at anytime in the more than three years sought a clarification of why the Board's response to its May 2, 1983 request for status as an interested municipality had not been received. A copy of the Board's May 6, 1983 order is enclosed.

The Applicants filed their interrogatories addressed to TOS on April 28, 1986. A check of the Certificate of Service shows that TOS or its representative was not served. A copy of these interrogatories is also enclosed.

The Board has instructed persons in the Office of the Secretary of the Commission to take immediate action to add the following name of


TOS's attorney to the official service list in the Office of the  
Secretary of the Commission:

Charles P. Graham, Esq.  
McKay, Murphy and Graham  
Attorneys at Law  
Old Post Office Square  
100 Main Street  
Amesbury, Massachusetts 01913

Parties to this proceeding are expected to add Attorney Graham to their  
service lists.

The remaining issue is the Applicants' interrogatories and the  
responses to them by TOS. The Board by this order does lift its  
modified sanctions imposed by its September 11, 1986 order providing  
that TOS file responses to Applicants' interrogatories dated April 28,  
1986 for in-hand delivery no later than fourteen days from the service  
date of this order.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD



Helen F. Hoyt, Chairperson  
Administrative Judge

Dated at Bethesda, Maryland  
this 17th day of October 1986.